

Meeting of 2006-12-12 Regular Meeting

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
DECEMBER 12, 2006 6:00 P.M.  
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John Purcell, Jr.                      Also Present:  
Presiding                      Larry Mitchell, City Manager  
   John Vincent, City Attorney  
   Traci Hushbeck, City Clerk  
COL Sonny Uberti, Fort Sill Liaison (Arrived @ 6:27 p.m.)

Mayor Purcell called the meeting to order at 6:03 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Leonard Reimer, Faith Bible Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:                      Bill Shoemate, Ward One  
Janice Drewry, Ward Three                      Keith Jackson, Ward Four  
Robert Shanklin, Ward Five  
   Stanley Haywood, Ward Seven  
   Randy Warren, Ward Eight

ABSENT:                      Rex Givens, Ward Two  
   Jeff Patton, Ward Six

PRESENTATION OF OKLAHOMA MUNICIPAL LEAGUE HONOR ROLL OF SERVICE.

Danny George, Executive Director of the Oklahoma Municipal League, presented service pins to those City of Lawton employees who have worked 25 years of continuous service.

ANNOUNCEMENT OF AWARD FOR MUNICIPAL EXCELLENCE FROM NATIONAL LEAGUE OF CITIES

Mayor Purcell stated that an award was presented to the City of Lawton at the annual National League of Cities Conference.

Jerry Ihler, Public Works Director, stated they did receive an award at the National League of Cities for our sewer rehabilitation program. Lawton is only the second city from Oklahoma to receive this award. He asked all those employees who work in the sewer design or sewer construction group to please stand and be recognized. He stated the City of Lawton received an administrative order from EPA that we needed to reduce the number of sanitary overflows in our sewer system. We were averaging 250 overflows every year. The City of Lawton did a study, and through negotiations with EPA, we were able to come up with a program where they allowed us a little over 20 years to complete the program. The dollars figure in 1996 was \$62 million worth of improvements for the community. The Mayor and City Council asked staff to look at trying to do this in house. He stated they felt they could save about \$2.6 million on Phase I. Once Phase I was completed, they actually saved \$3.6 million. In addition, staff was able to install an additional 12 miles of sewer line into the system that were above and beyond the program, which is worth about \$5 million. He stated when they started the program we had 250 overflows, last year we had 11. The success of this program not only saves the citizens money, but it provides a cleaner environment for the citizens.

Mayor Purcell thanked staff for all of their hard work.

Mitchell stated this is another example of how we work together and accomplish things by putting our minds and bodies to the task. He stated there are only nine of these awards given in the United States each year and it was a great honor for him to be there representing the City of Lawton.

AUDIENCE PARTICIPATION:

Marcus Rivera, 1706 NW 31<sup>st</sup> Street, stated he does not see why he would have to pay \$48 for his water bill. He called several cities in the area to compare. In Yukon, the base rate is \$20 for 3,000 gallons. In El Reno the base is \$32.83 and in Anadarko it is \$30.50. In Oklahoma City the base rate ranges from \$37-\$38. He stated the difference is the usage of sewer and refuse is based on their water use. He feels we should not apply a flat rate to everyone.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL SPECIAL MEETING OF OCTOBER 17, 2006 AND REGULAR MEETINGS OF OCTOBER 24 AND NOVEMBER 28, 2006.

MOVED by Warren, SECOND by Drewry, to approve the minutes of October 17, October 24 and November 28, 2006.  
AYE: Haywood, Warren, Shoemate, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

MOVED by Haywood, SECOND by Warren, to approve the Consent Agenda items as recommended. AYE: Warren, Shoemate, Drewry, Jackson, Shanklin, Haywood. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: Southwestern Bell Telephone in the amount of \$1,518.93 (**Resolution 06-199**), Mandy and Kent James in the amount of \$5,981.00 (**Resolution 06-200**), Peter and Vivian Marshall in the amount of \$2441.00 (**Resolution 06-201**).
2. Consider the following damage claims as recommended for denial: Amanda & Charles Wells in the amount of \$14.00, Yolanda Zavala in the amount of \$50,000.00, Stacey Knight in the amount of \$50,000.00, Kari Samut-Tagliaferro in the amount of \$144.30. Exhibits: Legal Opinions/Recommendations.
3. Consider ratifying the action of the City Attorney in filing an appeal in the workers compensation case of Stephen R. Handy, Workers Compensation Court Case No. 2005-13579H. Exhibits: **Resolution No. 06-203**.
4. Consider approving the 2007 Notice of Meeting Schedule for Lawton City Council Meetings. Exhibits: 2007 Notice of Meeting Schedule for Lawton City Council; **Resolution No. 06-202**.
5. Consider approving contract with Theatreworks USA for school performances of *If you Give a Mouse A Cookie & Other Story Books* on Wednesday, March 14, 2007. Exhibits: Contract on file in City Clerk's office.
6. Consider accepting donation to the City Art Collection of Jack Storey and Don Barton portraits from family members Kim Kelly and Marjorie Farrell. Exhibits: Portraits are located at McMahon Memorial Auditorium.
7. Consider acknowledging receipt of two permits from the Oklahoma Department of Environmental Quality for the construction of 900 linear feet of eight (8) inch PVC water line and 836 linear feet of eight (8) inch PVC gravity sewer line and all appurtenances to serve the Eisenhower Village Addition located in the SW/4 of the SE/4 of Section 32, T-2-N, R-12-W, I.M., Comanche County, Oklahoma. Exhibits: Permits to Construct on file in the City Clerk's office.
8. Consider acknowledging receipt of two permits from the Oklahoma Department of Environmental Quality for the construction of 1,495 linear feet of eight (8) inch PVC water line and 1,888 linear feet of eight (8) inch PVC gravity sewer line and all appurtenances to serve the MacArthur Park Addition Part 8 located in the NE/4 of Section 26, T-2-N, R-11-W, I.M., Comanche County, Oklahoma. Exhibits: Permits to Construct on file in the City Clerk's office.
9. Consider awarding (CL07-008) Coagulant Aid (Polymer) to Polydyne, Inc. of Riceboro, GA  
Exhibits: Department recommendation, abstract of bids.
10. Consider awarding (CL07-014) Wheeled Hydraulic Excavator to G. W. Van Keppel  
Company of Oklahoma City, OK. Exhibits: Department recommendation, abstract of bids.
11. Consider awarding (CL07-016) 12 Wood Chipper to Central New Holland, Inc. of  
Oklahoma City, OK. Exhibits: Department recommendation, abstract of bids.
12. Consider extending the contract (CL05-016) Automatic Transmission Repair with  
Southwest Transmission of Lawton, OK. Exhibits: Department Recommendation, Contract  
Extension Form.
13. Consider awarding (CL07-013) Self-contained, Self-propelled Hydraulic Fusion Machine to  
ISCO Industries of Louisville, KY. Exhibits: Department recommendation, abstract of bids.

14. Consider approval of payroll for the periods of November 20 December 3, 2006.

#### BUSINESS ITEMS:

15. Consider accepting a conditional award from the U.S. Department of Housing and Urban Development (HUD) of a Brownfields Economic Development Initiative (BEDI) Grant for \$1,000,000. Authorize the Mayor to sign the grant award document and authorize submission of the acceptance to HUD. Exhibits: Exhibit A: HUD Award Letter dated November 22, 2006. A copy of the award letter with the Instructions and Conditions for Award (Enclosure A) and a sample Brownfields Economic Development (BEDI) Grant Agreement (Enclosure B) is on file in the City Clerk's office and HCD.

Mitchell stated this grant will allow us to secure a Section 108 loan for improvements on 2<sup>nd</sup> Street. Half of the money will be used to secure the Section 108 loan for \$2 million. The other half of the grant will be used to acquire brownfield sites along 2<sup>nd</sup> Street. For us, that may be a closed gas station that has underground tanks that were never removed, contaminated soils, etc.

Shanklin questioned if the Request for Proposals that the Chamber sent out were back in yet.

Mayor Purcell stated that Request for Qualifications were sent out.

Mitchell stated they received two.

Shanklin stated that they really don't have any plans from these developers.

Mayor Purcell stated they do not have anything yet.

Shanklin stated he does not mind accepting this award, but they really will not start work on 2<sup>nd</sup> Street until they find out what the developer wants done.

Mitchell stated this step tonight, if approved, allows staff to move forward with an application process. He stated they still have a lot of paperwork to do to get the application completed. It may take another three months to get all of the application work completed.

Shanklin stated there are a lot of people who are getting concerned about what we are doing on 2<sup>nd</sup> Street. He would hate to see us spend \$2-3 million and then the developer not want it.

Haywood stated they need to accept this before the 15<sup>th</sup> of December.

Jackson stated there is great interest in those two companies who have submitted their Request for Qualifications. He stated one of the particular companies is very interested.

MOVED by Drewry, SECOND by Warren, to accept a conditional award from the U.S. Department of Housing and Urban Development (HUD) of a Brownfields Economic Development Initiative (BEDI) Grant for \$1,000,000 and authorize the Mayor to sign the grant award document and authorize submission of the acceptance to HUD. AYE: Shoemate, Drewry, Jackson, Shanklin, Haywood, Warren. NAY: None. MOTION CARRIED.

#### REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

COL Uberti thanked Mayor Purcell and Larry Mitchell for letting staff attend a Department of Defense forum on military connected communities. He stated some good information was presented at the meeting.

Drewry thanked the Lawton Police Department Gang Task Force for allowing her to go along with them on Saturday evening.

Mayor Purcell stated he attended a meeting the previous week to talk about the gang problem in Lawton. He stated one suggestion was to tackle the problem with those who are renting houses.

Vincent stated Title 50 of the Oklahoma State Statute, which is the nuisance statute and Chapter 15 of the Lawton City Code, both provide that if certain rental properties or other types of structures are used for illicit activities, a municipal council can declare those as blighting to the community and dilapidated. He stated they would notify the owner that the tenant is in violation of various laws and tell the owner that if they don't move them out, we will go to court and get an order for an injunction and possibly demolish the building. This can apply to apartment complexes, motels as well as single family residents. He stated before staff starts down this road, he questioned if

the City Council wants to proceed in this direction.

Shanklin stated he believes we should do this.

Vincent stated it will be very labor intensive. They will have to compile records on multiple properties throughout the city.

Mayor Purcell stated if they do this, they will be upsetting some citizens who own property and they will be coming to the City Council for relief.

Shanklin questioned if he could turn in properties and they would get rid of them.

Vincent stated that is not what this means. It means that the police will identify a location and bring in sufficient evidence to show that illicit activity is taking place at this location. Staff will notify the landlord and give them probably 30 days to get that tenant out of there or we will go the District Judge and have that property declared a public nuisance and we will start abating that problem. This could include tearing down the property and that is what he wants the Council to understand. Part of the abatement procedure may include tearing down an apartment complex or rent house.

Drewry stated having been out there and seeing what is going on, she feels we have to take some tough action if we are going to take control of this situation.

Warren stated there are citizens who live next door to property owned by these absent landlords who have allowed individuals to live in property with the windows broken and running drugs in and out. He stated this is almost in every neighborhood in town.

Vincent stated this is a start and this is the best thing they have on the books right now.

COL Uberti questioned what protections are afforded the owner or is the owner now liable based on the rental contract with the tenant.

Vincent stated the Oklahoma Landlord Tenant Act provides that the tenants are supposed to conduct themselves in a legal manner and if they do not, they are in violation of that act.

Mayor Purcell reminded the Council that on January 16, 2007, the gang task force will make a presentation about gang violence.

Mitchell gave an update on the conservation easement program around Fort Sill. They have closed on four properties. There are conservation easements on 670 acres in buffer areas one and two. Land Legacy may have two or three lined up for January and February. There is a lot of positive response from the property owners.

The Mayor and Council convened in executive session at 6:51 p.m. and reconvened in regular, open session at 7:00 p.m. Roll call reflected all members present.

#### BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

16. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending tort claim of Bruce Harrison, DC-2006-66, against the City of Lawton, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of item 16. He stated the City Council was briefed on this pending tort claim. No action is required.

There being no further business to consider, the meeting adjourned at 7:01 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK